

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JASON DESMITH,

Plaintiff,

FILE NO. 2:08-CV-119

v.

HON. ROBERT HOLMES BELL

UNKNOWN STEINMAN et al.,

Defendants.

/

**JUDGMENT ADOPTING REPORT AND RECOMMENDATION**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to the Magistrate Judge for screening, pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A and 42 U.S.C. § 1997e(c). The Magistrate Judge issued a Report and Recommendation ("R&R") that this Court dismiss the action for failure to state a claim (docket #6). The matter presently is before the Court on Plaintiff's objections to the R&R (docket #7).

This Court reviews *de novo* those portions of an R&R to which objections are made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court may accept, reject or modify any or all of the Magistrate Judge's findings or recommendations. *Id.*

In his objections, Plaintiff argues that the Magistrate Judge erred in concluding that Petitioner's due process claim was barred by the doctrine of *Sandin v. Connor*, 515 U.S. 472 (1995). The Court has reviewed the R&R and finds no error in the reasoning of the Magistrate Judge. Accordingly,

**IT IS ORDERED** that Plaintiff's objections (docket #7) to the Report and Recommendation of the Magistrate Judge are **DENIED** and the Report and Recommendation is **ADOPTED** in its entirety as the opinion of this Court.

**IT IS FURTHER ORDERED** that Plaintiff's complaint is dismissed for failure to state a claim, pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A and 42 U.S.C. § 1997e(c).

**IT IS FURTHER ORDERED** that the Court finds no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3).

Dated: June 18, 2009

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE